

STATE ADVISORY PANEL FOR EXCEPTIONAL CHILDREN BYLAWS

ARTICLE I – NAME

The name of this Panel shall be the State Advisory Panel for Exceptional Children.

ARTICLE II – PURPOSE

The State Advisory Panel for Exceptional Children is organized as mandated in the Individuals with Disabilities Education Act Amendments of 1997 for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in Kentucky.

ARTICLE III – DUTIES

The duties of the Advisory Panel shall be to:

1. Advise the Division of Exceptional Children Services, Kentucky Department of Education of unmet needs within the Commonwealth related to the education of children with disabilities;
2. Comment publicly on any rules or regulations proposed by the Commonwealth regarding the education of children with disabilities (and the procedures for distribution of funds under Part B of Public Law 101-476);
3. Advise the Division of Exceptional Children Services, Kentucky Department of Education, in developing evaluations and reporting on data to the Secretary, Special Education Programs, United States Department of Education, under section 618;
4. Advise the Division of Exceptional Children Services, Kentucky Department of Education, in developing corrective action plans to address findings identified in Federal monitoring reports under this part;
5. Review and comment on the written findings of fact and decisions from impartial due process hearings;
6. Advise the Division of Exceptional Children Services, Kentucky Department of Education, in developing and implementing policies relating to the coordination of services for children with disabilities;
7. Advise the Division of Exceptional Children Services, Kentucky Department of Education, on eligible students with disabilities in adult prisons;
8. Provide input into Kentucky's Comprehensive System of Personnel Development; and
9. Provide opportunities for public input through regularly scheduled public hearings during each Panel meeting. Public comment may be made in person or through written comments via United States mail, electronic transmittal, facsimile, etc.

ARTICLE IV – PANEL MEMBERSHIP

Section 1. Composition:

Membership of this Panel as specified within P.L. 105-17 is to include at least one (1) person from each of the following groups: a) individuals with disabilities, b) guardians of children with disabilities, c) state and local education officials, d) faculty from Institutions of Higher Education that prepare special education and related services personnel, e) representatives concerned with the provision of transition services, f) representatives from the Commonwealth juvenile and adult corrections agencies, and g) administrators of public and non-public programs for children with disabilities. A majority of the members of the Panel shall be individuals with disabilities or parents of children with disabilities. The number of Panel members shall be 21. This number does not include ex-officio members and does not preclude the establishment of ad hoc committees.

Section 2. Selection:

Membership of this Panel shall be selected through the nomination procedures set forth in these bylaws, and members shall be officially notified of their selection, in writing, by the Governor.

Section 3. Length of Term:

The term of each appointment to the Panel shall be three (3) years. The terms shall be staggered on a fixed cycle basis so that, as nearly as possible, no more than one-third (1/3) of the membership is newly appointed any year. The term of each appointment shall expire at the end of the period for which the member was appointed or as soon thereafter as a duly appointed successor is available to assume the post.

Section 4. Membership Nomination Process:

Nominations for Panel membership may be submitted by interested parties in the Commonwealth of Kentucky. Information about a membership nomination form shall be made available from Division of Exceptional Children Services/Kentucky Department of Education and distributed through Panel members, Panel newsletter, and through other appropriate sources. The Chairperson and/or Executive Committee shall appoint the Nominating Committee to review nominations *[see Article VII, Section 4]*.

The committee will review the nominations with a representative from the Division of Exceptional Children Services who will then present a slate of nominations to the office of the Commissioner of Education who in turn will submit nominations to the Governor. This process does not in any way circumvent the process of appointments coming directly from the Governor's office.

In the event that a member vacates her/his position, the Panel Chairperson shall notify the appropriate appointing authority of the vacancy and request a replacement.

Section 5. Orientation:

The Panel Chairperson and representatives from the Division of Exceptional Children Services will conduct an orientation program for all new Panel members. It is preferred that such a meeting be scheduled to occur in conjunction with the first regularly scheduled Panel meeting following member appointment. New members of the Panel will be provided a notebook containing documents which are to serve as a resource to the Panel in carrying out its activities.

Section 6. Panel Member Attendance at Meetings:

Panel members are to notify the Division of Exceptional Children Services by phone, electronic transmittal, or United States mail as to whether or not they will be attending each meeting. A Panel Member may not name a designee to act in his/her place. Panel members should bring to meetings any materials sent by the Division of Exceptional Children Services that will be necessary to carry out Panel or committee activities. The chairperson may request a review by the Executive Committee of a Panel member's continued absence from Panel meetings and will contact any member absent from two (2) consecutive meetings to inquire as whether or not the member's current commitments make it possible for the member to continue active membership on the Panel.

A Division of Exceptional Children Services representative will send a packet of information distributed at the meeting to all members not in attendance within one week following the Panel meeting.

Section 7. Ex-Officio Members:

Ex-Officio members shall be represented on the Panel as appointed by the Governor.

Section 8. Ad Hoc Members:

Ad Hoc members shall be appointed at the discretion of the Panel and their appointments shall be reviewed at the first meeting of the calendar year. However, per Executive Order 95-1295 (November 10, 1995) ad hoc members shall not be entitled to reimbursement for services or reasonable expenses.

ARTICLE V – MEETINGS

Section 1. Regular Meetings:

The Panel shall schedule a minimum of four (4) regular meetings each year, in various locations throughout the Commonwealth. One regular meeting will be scheduled in conjunction with the Parent/Professional Conference. Other meetings will take place the third Wednesday, Thursday, and Friday of April, June, and October unless scheduling conflicts necessitate rescheduling with the approval of the Panel membership. All meetings shall be open to the public and accommodations for persons with disabilities shall be provided upon request. Notice of meetings and agenda items shall be publicly announced.

Section 2. Special Meetings:

A special meeting of the Panel may be called by the Chairperson with the approval of the Executive Committee. The Panel Chairperson shall ensure that notice shall be provided by mail or phone to the membership and DECS liaison at least one week prior to special meetings.

Section 3. Voting Regulations:

Voting shall be done by secret ballot upon request of any member of the Panel.

Each member of the Panel shall possess one vote excepting ex-officio and ad hoc members, who shall be non-voting. If a member is absent, that member may provide a written proxy to the Chairperson. However, a member may not transfer his/her voting privilege to another person. The presiding officer shall have a vote only in order to break a tie.

In the event there is a need to transact specific panel business for which a physical meeting is impractical, the Chairperson may call for a vote by mail, electronic transmittal, or telephone.

Section 4. Quorum:

A simple majority of Panel membership at a regular or special meeting of the Panel shall constitute a quorum. A quorum must be present for regular or specially called meetings for the transaction of business.

Section 5. Notice of Meetings:

The Panel Chairperson shall ensure that written notices are mailed to each member of the Panel at least seven (7) days prior to the date of each regular meeting. A copy of the agenda for the meeting will also be enclosed. The Panel Chairperson shall ensure that written notices of special meetings are mailed to each Panel member at least seven (7) days prior to the date of the meeting. An agenda for calling the special meeting will also be enclosed.

ARTICLE VI – OFFICERS

Section 1. Chairperson:

The Chairperson shall preside at and participate in agenda development for all meetings of the Panel and the Executive Committee. The Chairperson shall appoint all standing and special committees, subject to the approval of the Executive Committee, and shall be ex-officio member of all committees, with the exception of the nominating committee. The Chairperson shall be responsible for insuring that the immediate past chairperson submits the Panel's Annual Report by July 1st of the year following his/her term. The Chairperson, or such alternate as he/she may designate, shall represent the Panel at meetings or functions where Panel representation is desired or required. The Chairperson shall serve as liaison between the Panel and the Division of Exceptional Children Services, Kentucky Department of Education.

Section 2. Vice Chairperson:

The Vice Chairperson shall assist the Chairperson in his/her duties and activities of the Panel and shall serve as a member of the Executive Committee. The Vice Chairperson shall serve in the absence of the Chairperson.

Section 3. Secretary:

The elected Secretary shall confer with the support staff from the Division of Exceptional Children Services when necessary to assure that accurate minutes of all meetings are recorded. The secretary shall serve as Chairperson in the absence of the Chairperson and Vice Chairperson. The secretary shall provide assistance to the staff assistant from the Division of Exceptional Children Services in the preparation of minutes or other correspondence in regard to matters as delegated by the Chairperson

Section 4. Immediate Past Chairperson:

The Immediate Past Chairperson shall serve on the Executive Committee. His/Her duties will be primarily advisory in nature.

The Immediate Past Chairperson shall serve as an ex-officio member of the Panel in the event that his/her term on the Panel has expired and/or he/she has not been replaced by the Governor.

Section 5. Term of Office:

The term of office for all Panel officers shall be from January 1 to December 31 of that calendar year and shall not exceed two consecutive years. A slate of officers shall be presented to the Panel by the Election Committee prior to the conclusion of the June Panel meeting (see Article VII, Section 3). Panel members shall elect officers prior to the conclusion of the October meeting; officers will assume their duties beginning January 1 of the following calendar year. Elected officers whose appointment terms expire before the completion of their term of office shall complete their term of office.

Section 6. Special Elections:

A special election may be called to replace an officer who has resigned in the middle of his/her term of office. The office shall be filled upon recommendation by the Executive Committee and confirmation by the Panel membership in session or by United States mail and/or electronic transmittal vote.

ARTICLE VII – COMMITTEES

Section 1. Executive Committee:

The Executive Committee shall be composed of the officers of the Panel, two at-large members elected by the Panel, the immediate past Chairperson, and the Chairpersons of Panel Standing committees. Executive Committee membership shall be balanced representation from the different perspectives and disciplines represented in the Panel to the extent possible.

The Executive Committee shall meet prior to all business meetings of the Panel and at other times as deemed necessary. It shall act as an advisor to the Chairperson and approve appointment of standing committees and special committees. It shall have general supervision and conduct the affairs of the Panel between meetings of the Panel. The Executive Committee shall report at each meeting of the Panel on the actions it has taken between meetings.

Section 2. Standing Committees:

Assignments to Standing Committees shall be determined annually and, to the greatest extent feasible, will be based on member preference and committee needs as recommended by the Executive Committee. Each Panel member shall serve on a standing committee

Section 3. Election Committee:

The Election Committee, consisting of three (3) members, shall be appointed by the Chairperson with the approval of the Executive Committee. It shall be the duty of this committee to nominate candidates for officer and Executive Committee member-at-large positions.

Prior to the completion of the June Panel meeting, the Election Committee will submit to the Panel membership a slate of officers and Executive Committee members-at-large. Individual Panel members may submit to the Panel Chairperson by United States mail, electronic transmittal or facsimile additional nominees for consideration at the October Panel meeting at least thirty (30) days prior to the October meeting. The Panel Chairperson shall inform the Election Committee of any additional nominees. The Election Committee members shall verify that all nominees are available and able to serve. The names of any additional nominees shall be circulated to the Panel membership in the agenda/meeting notification packet. The Election Committee shall insure that Panel officers and Executive Committee members-at-large are elected at the October Panel meeting.

Section 4. Nominating Committee

The Nominating Committee, consisting of three members, shall be appointed annually by the Chairperson and/or the Executive Committee to review nominations to insure the following Panel membership demographics are addressed: (1) representation of the categories listed in the bylaws (Article IV, Section 1), (2) regional representation, (3) minority representation, (4) variety of disability representation, (5) rural/urban representation, and (6) other considerations brought to the attention of the committee.

The Nominating Committee will review the nominations with a representative from the Division of Exceptional Children Services who will then present a slate of nominations to the office of the Commissioner of Education who in turn will submit nominations to the Governor. This process does not in any way circumvent the process of appointments coming directly from the Governor's office.

Section 5. Other Committees:

The Panel Chairperson may appoint special committees to conduct the business of the Panel as needed.

ARTICLE VIII – MISCELLANEOUS PROVISIONS

Section 1. Amendments and Operative Date of Bylaws:

These Bylaws may be amended at a regular meeting of the Panel by a majority vote of the Panel membership. The Panel membership shall be notified in writing of the proposed revision(s) at least thirty (30) days prior to the regular or specially called meeting of the Panel.

These Bylaws shall become operative immediately after their adoption by the Panel.

Section 2. Parliamentary Procedure:

The latest unabridged edition of *Robert's Rules of Order* shall be the parliamentary guide for the Panel.

Section 3. Annual Report:

The Immediate Past Panel Chairperson shall prepare and submit an Annual Report by July 1st of the year immediately following the completion of his/her term. The DECS shall distribute the report to at least the following recipients: the Governor, the Commissioner of Education, Kentucky School Board Members, and Panel members. This report shall describe activities of the Panel and suggestions to the Department of Education resulting from these activities.

The Annual Report of the State Advisory Panel for Exceptional Children and other such document/products shall be made public as follows: The Division of Exceptional Children Services will provide notice regarding the availability of such reports through established dissemination processes. In addition, the Panel may request that copies of this report be sent to other persons or agencies as appropriate.

The by-laws amended and adopted as the by-laws of the Kentucky State Advisory Panel for Exceptional Children during the October 16-18, 2002 meeting, were amended and adopted on June 24, 2004 as the by-laws of the Kentucky State Advisory Panel for Exceptional Children. The by-laws amended and adopted as the by-laws of the Kentucky State Advisory Panel for Exceptional Children on June 24, 2004, were amended and adopted on June 25, 2004 as the by-laws of the Kentucky State Advisory Panel for Exceptional Children.